

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

IN RE: SUBPOENA TO NON-PARTY	§	
DOUGLAS A. SMITH	§	
	§	
CENTRIPETAL NETWORKS, INC.,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Misc. Action No. 3:18-MC-00060-K
	§	
KEYSIGHT TECHNOLOGIES, INC.	§	
and IXIA.	§	
	§	
Defendants.	§	

ORDER

A Motion to Quash Subpoena Pursuant to FED. R. CIV. P. 45 (the “Motion”) was filed by Non-Party Douglas A. Smith (the “Movant”) on the basis that the requested discovery was irrelevant and duplicative. Based on a phone call with Movant’s counsel, Movant has consented to transferring the Motion to the court that issued the subpoena, the United States District Court for the Eastern District of Virginia. FED. R. CIV. P. 45(f).

Accordingly, this Motion is **TRANSFERRED** to the Norfolk Division for the United States District Court for the Eastern District of Virginia. *See* 28 U.S.C. § 127(a); *Orix USA Corp. v. Armentrout*, No. 3:16-mc-63-N-BN, 2016 WL 3926507, at *2 (N.D.

Tex. July 21, 2016) (Horan, M.J.) (“Rule 45(f) does not require that a motion to transfer be filed, and the Court may *sua sponte* order transfer where appropriate.”).

SO ORDERED.

Signed August 28th, 2018.



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UNITED STATES DISTRICT JUDGE